

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

DWIGHT RODGERS,)	
)	
Plaintiff,)	CIVIL ACTION NO.:
)	2:06-CV-1067-WKW-SRW
)	
v.)	
)	
CRACKER BARREL OLD)	
COUNTRY STORE, INC.,)	
)	
Defendant.)	

**PLAINTIFF'S RESPONSE TO
JUDGE'S OCTOBER 23, 2007 SHOW CAUSE ORDER**

COMES NOW Dwight Rodgers, Plaintiff herein, and files this response to United States District Judge's Show Cause Order and states the following:

On October 9, 2007 the court ordered the Defendant to file more specific objections to the Plaintiff's affidavit, if any, on or before October 12, 2007. It was also ordered that Plaintiff's response shall be filed on or before October 17, 2007. The Plaintiff failed to file within the time allowed by the court.

Plaintiff's Georgia counsel had failed to respond to the Judge's Order not of contempt for the court but pure inadvertence and overburden. Plaintiff's Georgia counsel is one of three lawyers in a small firm. The firm experienced a complete turnover in personnel, with a full caseload, and a number of other responsibilities that caused Plaintiff's counsel internal tracking system to fail. Through inadvertence the response deadline was missed. Counsel has since stabilized its workforce in order to prevent a recurrence. For a more detailed explanation, Plaintiff's Georgia counsel

would requests in camera interview if necessary to explain more fully.

Plaintiff had every intention of complying with the Court's Order, because he wishes to dispute the arguments made by the Defendant and will, with the Court's permission, promptly file his response by Friday, October 26, 2007.

Respectfully submitted this 24 th day of September, 2007.

/s/Byron Perkins
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Plaintiff,

V.

**CRACKER BARREL OLD
COUNTRY STORE, INC.,**

Defendant.

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CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2007, I electronically filed PLAINTIFF'S RESPONSE TO JUDGE'S OCTOBER 23, 2007 SHOW CAUSE ORDER with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Jennifer Busby
Ashley H. Hattaway
Burr & Forman LLP
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Respectfully submitted,

/s/Byron Perkins

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